

February 20, 2008

TO: Members of the Assembly Committee on Property Rights

FROM: Casey Langan, Director, Public Relations

RE: Support AB 804 – Authority of the Department of Justice and public nuisance actions

The Wisconsin Farm Bureau Federation asks for your support of AB 804. This bill is particularly timely as earlier this month a state appellate court upheld a decision that favors a cranberry grower in a nuisance lawsuit filed by out-of-state lakeshore property owners with state government backing.

The case has been a top priority of the Wisconsin Farm Bureau, as it was the first major test of Wisconsin's Right to Farm law, created by the Legislature in 1981. This case is also the poster child for why AB 804 should be passed into law.

As the Wisconsin State Journal recently opined, "As mistakes go, the state's decision to lead the losing side in this suit was a whopper – not just because the case was a legal loser but because the decision to sue was wrongheaded public policy."

The Wisconsin Farm Bureau is very pleased that once again a court has ruled in favor of the cranberry farm that was in full compliance with all state, federal and local laws and environmental regulations. In other words, he was running his business in line with government regulations – and still the government sued him for it.

The ruling against the misguided lawsuit gives confidence that our state's Right to Farm law still affords agricultural producers protection from nuisance lawsuits, and that farming is still welcome in Wisconsin. The Farm Bureau has also publicly thanked Governor Jim Doyle for indicating the state would no longer pursue an appeal to the case.

The Farm Bureau worked with a coalition of agriculture groups on the case. They included the Wisconsin Federation of Cooperatives, Wisconsin Cattlemen's Association, Wisconsin Corn Growers Association, Wisconsin Pork Association, Wisconsin Potato & Vegetable Growers Association, Wisconsin State Cranberry Growers Association and the Dairy Business Association.

Six years of costly litigation have passed since this lawsuit was first filed in a federal court. When that case was thrown out, former Attorney General Peg Lautenschlager filed charges on their behalf in state court seeking millions from the farmer in damages.

In conclusion, while it was vitally important that Wisconsin's \$51 billion agriculture industry was protected from this misguided and far-reaching lawsuit; it is also obvious that the Department of Justice had no role in this case that proved to be an incredible waste of time and money for those involved.